

rejects claim 26 under 35 U.S.C. §103(a) as being unpatentable over Redmond in view of U.S. Patent Application Publication No. 2003/0082421 (Yonetsu). These rejections are respectfully traversed.

As agreed to during the October 24, 2011 telephone interview, the applied references fail to disclose or render obvious "switching from an operation state of the fuel cell system to a stopped state of the fuel cell system; detecting that the fuel cell system is switched to a stopped state" as recited in independent claim 1.

The Office Action acknowledges that Redmond fails to disclose the above-recited feature. However, the Office Action alleges that it would have been obvious to one of ordinary skill in the art to switch from an operation state to a stopped state and detecting that the fuel cell system is off in the alert method of Redmond in order to accurately determine the amount of hydrogen fuel remaining. The Office Action alleges that the claimed features would have been obvious because a skilled artisan would recognize that the fuel level is critical when operating a fuel cell powered vehicle. The Office Action also appears to allege that one of ordinary skill in the art could apply a stopped state to the system of Redmond because if the hydrogen levels are depleted, a vehicle would be inoperable. See page 4 of the Office Action.

Applicant respectfully disagrees. Redmond and Yonetsu fails to disclose or render obvious "switching from an operation state of the fuel cell system to a stopped state of the fuel cell system" and "detecting that the fuel cell system is switched to a stopped state," as required by claim 1.

The Office Action fails to provide any support or bases for its allegations that it would have been obvious to one of ordinary skill in the art to switch from an operation state to a stopped state and detecting that the fuel cell system is off in the alert method of Redmond in

order to accurately determine the amount of hydrogen fuel remaining as required at least by MPEP §2141 (III).

One of ordinary skill in the art would have had no reason or rationale to have modified the system of Redmond to include a step of switching from an operation state to a stopped state and detecting that the system is switched to a stopped state, as required by claim 1. Redmond discloses a hydrogen storage, distribution and recovery system, wherein a charged cassette 322 replaces a cassette 324 that has been depleted of hydrogen. See Redmond, paragraph [0059]. Redmond discloses that this step is repeated each time a cassette is depleted. Redmond discloses, at paragraph [0008], that the recovery system aims to recover hydrogen fuel safely to prevent the hydrogen levels from depleting. Redmond also discloses, at paragraph [0080], automatically switching or replacing a depleted cassette with a charged one, thereby preventing a stopped state from occurring. One of ordinary skill in the art would not have implemented a method of switching from an operation state to a stopped state in the system of Redmond or a system that would detect that the system has switched to a stopped state, as the Office Action suggests, because Redmond's system at best replaces and recovers depleted hydrogen cassettes to prevent a stopped state.

Yonetsu fails to cure the deficiencies of Redmond because Yonetsu is silent with respect to switching "to a stopped state of the fuel cell system" and "detecting that the fuel cell system is switched to a stopped state," as required by claim 1. Accordingly, claim 1 is allowable. Claims 5, 24 and 26 are patentable for at least the reasons that claim 1 is allowable, as well as the additional features they recite.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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